

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

**IN RE: NEW YORK CITY  
ASBESTOS LITIGATION**

**Plaintiff(s),**

**CHRISTIAN HOLINKA**

**vs.**

**Defendant(s),**

**A.C. & S., et al.**

**EX PARTE MOTION OFFICE**

**APPROVED  
FOR THE PAYMENT  
OF MOTION FEE**

**ONLY** PLEASE TAKE NOTICE that, upon the annexed Affirmation of Kristy Kulina Lyons, Esq.,

dated August 21, 2007 in support of Defendants Baxter Healthcare Corporation (alleged to be a successor in interest to American Hospital Supply Corp. and American Scientific Products) ("Baxter"), ManorCare Health Services, Inc. (alleged to be a successor in interest to Central Scientific Company, a division of Cenco, Inc.) ("Manor") Fisher Scientific International Inc. ("Fisher"), VWR International, Inc. ("VWR") and Univar USA ("Univar") (collectively, "Defendants"), the accompanying Memorandum of Law, the exhibits attached thereto and upon all prior pleadings and proceedings heretofore had herein, and good cause having been shown, it is hereby:

ORDERED, that counsel for the plaintiffs show cause in IAS part 11, of the Supreme Court of the State of New York, County of New York, located at 60 Centre Street, Room 351, New York, New York,

10535

At the Ex-Parte Motion Office at the  
Supreme Court of the State of New  
York, held in and for the County of  
New York, at the County Court  
House, on the 23rd day of  
August, 2007

**Present: JOAN A. MADDEN**

Hon. Joan A. Madden VAL 2

INDEX NO. 114120-06 INDEX NUMBER 114120 YEAR 2006

15 NOTIONS	43.00
TOTAL	43.00
CHECK	43.00

CASH CASHIER	DATE	TIME	TERM
-5316 1000	07 AUG 22	2:21 PM	60-3

**ORDER TO SHOW CAUSE  
FOR MOTION IN LIMINE TO  
PRECLUDE PLAINTIFF AND HIS  
WITNESSES FROM REFERRING TO  
BUNSEN BURNER PADS AND MITTENS  
AS "DEFENDANT'S PRODUCTS"  
BECAUSE THERE IS NO EVIDENCE  
THAT DEFENDANTS DISTRIBUTED  
THESE PRODUCTS TO THE  
LABORATORIES AT ISSUE**

before the Honorable Joan Madden on the 12<sup>th</sup> day of SEPT., 2007, at 9:30 AM or as soon thereafter as counsel may be heard, why an Order should not be entered granting the Defendants' Motion *in limine* to preclude Plaintiff and his witnesses from referring to Bunsen burner pads and mittens as "defendant's products" because there is no evidence that Defendants distributed these products to the laboratories at issue; and it is further

ORDERED, sufficient cause having been shown, that service of a copy of this Order to Show Cause, together with its supporting papers, shall be made by courier to counsel for Plaintiffs, Weitz & Luxenberg, and via facsimile or regular mail upon counsel for the defendants on or before the ~~28<sup>th</sup>~~ 28<sup>th</sup> day of ~~August~~ Aug., 2007, and such service shall be deemed good and sufficient notice of this application, and it is further

ORDERED that service of answering papers, if any, be made on or before ~~August~~ SEPT. 10, 2007, by serving copies thereof on moving party via courier or overnight delivery and by facsimile upon counsel for the defendants.

ORAL ARGUMENT is requested.

ENTERED:

  
JOAN MADDEN, J.S.C.

ORAL ARGUMENT  
DIRECTED

J.S.C.